

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

April 12, 2005 LB 480

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I oppose this amendment. And I think most of us in Lincoln will stand strong in support of the 62 percent of the people of the city of Lincoln who have voted to ban smoking in public places. But Senator Bourne has raised the issue of the advisability of a uniform policy in this area. And I think he deserves to be responded to at that level, because it is an argument that has a rational basis. It is a longstanding historical argument at the national level, and even at the local level. But I think where I depart from Senator Bourne on the question of uniformity is this. What generally happens with regard to uniformity is that a set of minimum standards are set. And those minimum standards are then often argued from the perspective of uniformity. But anyone that wants to make a standard that is of a higher quality than the minimum standard, they're allowed to do so, for a couple of reasons. But to give you the closest analogy to that, I think you should look at all of the rules made by the federal Environmental Protection Agency. What do they do with respect to clean air, which is for the protection of our health, clean water, which is for the protection of our health, everything they deal with, that is for the protection of the environment and ultimately for the protection of our health? They set minimum standards that everybody has to abide by. But if any one state wants to have a higher quality of cleaner air, cleaner water, they're welcome to do that. They don't prohibit that. What Senator Bourne is saying is that nobody, no local political subdivision, can make a rule that gives them a higher quality of life. And I think that's contrary to what we ordinarily think of in terms of a smart uniform policy. One of the reasons that we encourage people to be different, whether it's states or localities, goes all the way back to The Federalist Papers, and the argument that says, there is value to the laboratory of the states. That is, there is value to allowing each one of the 50 states to experiment with what might be the best way to live, or the best rules to have, or the best law to make. And by virtue, historically, of that experimentation that goes on over time, we discover better ways of doing things--higher qualities of life, better combinations of laws. And eventually, we all gravitate to and be...and what was a separate law becomes a uniform law, because we all have a consensus and a common understanding that this is better for our society. Likewise, at the state level,